



Order under Section 69
Residential Tenancies Act, 2006

File Number: SWL-54914-21

In the matter of: E2, 101 TUERR DRIVE
KITCHENER ON N2E2Y4

Between: Victoria Park Community Homes

Landlord

and

Nicole McKenzie

Tenant

Victoria Park Community Homes (the 'Landlord') applied for an order to terminate the tenancy and evict Nicole McKenzie (the 'Tenant') because the Tenant did not pay the rent that the Tenant owes.

This application was heard by videoconference on December 20, 2021. Only the Landlord's Legal Representative, Sara Lange attended the hearing. As of 9:57 a.m., the Tenant was not present or represented at the hearing although properly served with notice of this hearing by the Board.

Determinations:

1. The Tenant has not paid the total rent the Tenant was required to pay for the period from April 1, 2021 to December 31, 2021. Because of the arrears, the Landlord served a Notice of Termination effective May 3, 2021.
2. The Tenant is in possession of the rental unit.
3. The lawful monthly rent is \$1,109.00.
4. The Tenant paid \$2,500.00 after the application was filed.
5. The Landlord collected a rent deposit of \$361.24 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from January 1, 2021 to May 3, 2021.
7. I have considered all of the disclosed circumstances in accordance with subsection 83 of the *Residential Tenancies Act, 2006* (the 'Act') including the impact of COVID-19 on the parties and whether the Landlord attempted to negotiate a repayment agreement with the Tenant and, find that it would not be unfair to grant relief from eviction subject to the condition(s) set out in this order pursuant to subsection 83(1)(a) and 204(1) of the Act. Based on an agreement reached by the parties, the Landlord requested an order with the conditions outlined below.

It is ordered that:


- 1. The amount outstanding to December 31, 2021, inclusive of rent arrears \$2,490.00 and costs \$186.00 is \$2,676.00.
- 2. The Landlord’s application for eviction of the Tenant is denied on the condition that:
 - (a) The Tenant shall make the following payments to the Landlord in respect of the monies owing under paragraph 1 of this order:

Date Payment Due	Amount of Payment
On or before December 20, 2021	\$1,100.00 (costs and arrears)
From January 2022 to August 2022	\$191.00 on the 1 st of each corresponding month (arrears)
On or before September 1, 2022	\$48.00 (arrears)

- (b) The Tenant shall also pay the Landlord the rent for the months of January 2022 up to and including September 2022 in full, on or before the first day of each corresponding month.
- 3. If the Tenant fails to make any of the payments in accordance with paragraph 2, and by the dates required, then:
 - (a) The Landlord may apply under section 78 of the *Residential Tenancies Act, 2006* (the ‘Act’) for an order terminating the tenancy and evicting the Tenant, and for the payment of any new arrears of rent and NSF charges not already ordered under paragraph 1 of this order. The Landlord must make the application within 30 days of a breach of a condition set out in paragraph 2 of this order.
 - (b) The balance owing under paragraph 1 of this order shall become payable on the day following the date of default. The monies owing shall bear interest at the post-judgment interest rate determined under subsection 207(7) of the Act.

January 7, 2022
Date Issued

South West-RO
150 Dufferin Avenue, Suite 400, 4th Floor
London ON N6A5N6



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Member, Landlord and Tenant Board

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.